

2. Defendants have filed a Motion to Dismiss pursuant to Rule 12(b)(1), F.R.Civ.P. [Doc. 22] because diversity jurisdiction does not exist. That motion and its arguments are incorporated herein by reference.

3. The Court entered an order [Doc. 19] in this case – following its transfer to the Western District last evening on the Motion of Judge Kinkade (who question whether there is diversity jurisdiction) – setting Plaintiffs’ Motion for Temporary Restraining Order and for Preliminary Injunction for a hearing at 3:30 p.m. on June 16, 2017. The Court is also hearing a motion for temporary restraining order and for emergency appointment of a receiver at the same time, in Civil Action No. 1:17-CV-00560-RP, that has been filed by the Plaintiffs in that action.

4. Because subject matter jurisdiction does not exist in this case due to a lack of diversity of citizenship of the adverse parties, Defendants object to the Motion for Temporary Restraining Order and any hearing thereof, for want of jurisdiction, although they reserve the right to respond should the Court not sustain this objection.

PRAYER

WHEREFORE, Defendants pray that the Court sustain these objections, dismissing the Motion for Temporary Restraining Order for want of subject matter jurisdiction, along with all such other and further relief to which Defendants are justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this *Objection to Motion for Temporary Restraining Order and to Hearing Thereof* has been served upon all counsel of record by electronic service and/or electronic mail on this 16th day of June, 2017.

/s/ Kenneth B. Chaiken

Kenneth B. Chaiken